IN RE: PETITION FOR ZONING VARIANCE NW/Corner Melanie Road and Melanie Court (3618 Melanie Road)

11th Election District

6th Councilmanic District Dennis G. Healy, et ux Petitioners

* Case No. 89-188-A

* OF BALTIMORE COUNTY

* DEPUTY ZONING COMMISSIONER

89-188-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * * * *

The Petitioners herein request a variance to permit a window to street right-of-way setback of 10 feet in lieu of the required 25 feet, and to amend the First Amended Final Development Plan of Village of Vanderway, Lot #28, to allow construction outside the building envelope, as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Dennis Healy, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 3618 Melanie Road, is zoned D.R. 5.5 and is currently improved with a single family dwelling. Testimony indicated that Petitioners have lived on the property for the past 4 years. Petitioners propose constructing a twostory garage addition to provide protection for the family's vehicles on the lower level and habitable living space on the second level to accomodate their expanding family's needs. Mr. Healy indicated the addition would be constructed out of materials consistent with the current dwelling. Mr. Healy testified he discussed his plans with the adjoining neighbors who indicated they had no objection to his request.

Petitioner pointed out the granting of the requested variance would not result in detriment to the health, safety or general welfare of the community. He further argued that a denial of his request would create practical difficulty and unreasonable hardship for him and his family by requiring that they move from their current home.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of November, 1988 that the Petition for Zoning Variance to permit a window to street right-of-way setback of 10 feet in lieu of the required 25 feet, and to amend the First Amended Final O O Development Plan of Village of Vanderway, Lot #28, to allow construction outside the building envelope, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions, which are conditions precedent to the relief granted:

The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however. Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original

Property known as #3618 Melanie Rd, Balto.County, District 11,

Precinct 6. The southeast corner of dwelling is 65 ft. from

middle of Melanie Ct. Also known as Lot 28, Second Amended Plat of "Village of Vanderway" recorded among the Land Records of Balto. County, Md. in Plat Book E. H. K., Jr. 50, Folio 10.

ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

November 30, 1988

Mr. & Mrs. Dennis G. Healy 3618 Melanie Road Baltimore, Maryland 21234

Case No. 89-188-A

Baltimore County Zoning Commissioner Office of Planning & Zoning

Towson, Maryland 21204

****** 887-3353

J. Robert Haines

RE: PETITION FOR ZONING VARIANCE NW/Corner Melanie Road and Melanie Court (3618 Melanie Road) 11th Election District - 6th Councilmanic District Dennis G. Healy, et ux - Petitioners

Dear Mr. & Mrs. Healy:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ

for Baltimore County

Deputy Zoning Commissioner

AMN:bjs

cc: People's Counsel

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

89	-188-A
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Dennis F. Rasmussen

District 1/Th Posted for: Vovionco	Date of Posting 10/25/88
Petitioner: Donnis G. Hoaly	otur
Petitioner: Donnis 6. Hoaly Location of property: NW/C Melonis	Rd. + Molonia Court
3618 Molonie Rd	
Location of Signe: Focing Melovin R.	dy 0,3000x, 15' Fr. Youd way, on
and the state	
Remarks:	·
Posted by Mithely	Date of return: 10/28/87

NOTICE OF HEATING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regutations of Baltimore County will hold a public hearing on the properly identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as fol-Petrion for Zening Variant.
Case number: 89-188-A*
NWC Melanie Road and Melanie Court
(3618 Melanie Court)
11th Election District 6th Councilmanic Petitioner(s): Dennis G. Healy, et ux Hearing Date: Tuesday, Nov. 22, 1988 at 9:30 a.m.* Variance to allow a window to street right-of-way setback of 10 t. in ieu of the required 25 ft. and to amend the First ... mended Final Development Plan of Vi-

CERTIFICATE OF PUBLICATION

TOWSON, MD., October 28 , 1988 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIANA a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on October 27 , 1988

THE JEFFERSONIAN,

Publisher

PO 05223 rez M20386

Plat showing property known as #3618 Melanie Road, Baltimore County, Maryland. Also known as Lot 28, Second Amended Plat of "VILLAGE OF VANDERWAY" recorded among the Land Records of Baltimore County, Maryland in Plat Book E.H.K., Jr. 50, Folio 10 Plat for a Zoning Variance. Owner: Denni's G. F Mary P. Healy Zoning: DR-5.5 Existing utilities in Melanie ct. Lar 312e: 7,987 Sq.ft. 11th DIST. LBEGINDING POINT (STONE BASE) THE POSITION & ELEVATION ARE I ACCURDANCE WITH THE GRADING PLAN SUBMITTED WITH THE APPLICATION. Plat altered for PROP EL. 314.53 117 FL: Zoning Purposes NETUNE FIELD EL. 314.53 1ST FL. THIS IS TO CERTIFY that I have located the improvements on the lot shown hereon, and that said improvements exist, and that said improvements lie KIDDE CONSULTANTS, INC. Postirely within the boundaries. 1020 Cromwell Bridge Road Baltimore, Maryland 21204 DWE: WFH Per KIDDE CONSULTANTS, INC. THIS PLAT NOT INTENDED FOR USE IN THE ESTABLISHMENT OF

NE 10 F 40 w.o 3655-C Scale: /"= 30 Issued: "/1/E3 Rev. 9/77 301

1. Add garage for family vehicle; 2. add bedroom for sibling Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser: Legal Owner(s): (Type or Print Name) Signature City and State Attorney for Petitioner: (Type or Print Name)

PETITION FOR ZONING VARIANCE

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

Variance from Section 1802.3.B, 504 (VB6.a, CMDP) To allow a window

to street right-of-way setback of 10 ft. in lieu of the required 25 ft. AND To amend the First Amended Final Development Plan of Village of Vanderway. Lot #28 to allow construction of an addition outside of the building envelope

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; following reasons: (indicate hardship or practical difficulty)

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

ORDERED By The Zoning Commissioner of Baltimore County, this 2824 day of Jeptember., 1928, that the subject matter of this petition be advertised, as required by the Zoming Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 22nd day of Movember, 1988, at 9:30 o'clock

Zoning Commissioner of Baltimore County.

Final Development Plan in Village of Vanderway, Lot #28 or allow construction of an addition outside of the building envelope. "IF PHASE If OF THE SNOW EMERGENCY PLAN IS IN EFFECT ON THIS DATE, CASE MAY BE RESCHEDULED. CALL 494-3391 TO CONFIRM DATE. In the event that this Petrson is grarted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the essuance of said permit during this peniod for good cause shown. Such request must be in writing and received in this office by the rate of the hearing set above or presented at the hearing.

com 89-188-A price \$79.35 J + N











